

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION OF

NOELLE et al.

Group Art Unit: 1644

Application Serial No. 09/849,969

Examiner: Phillip GAMBEL

Filed: May 8, 2001

Title: TREATMENT OF DIABETES WITH ANTI-GP39 ANTIBODIES

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AMENDMENT AND REPLY PURSUANT TO 37 C.F.R. § 1.116

Mail Stop AF
Honorable Commissioner for Patents
P.O. Box 1450
Washington D.C. 20231

Sir:

This is in response to the final official action dated July 24, 2003, and is timely filed.

I. AMENDMENT

IN THE SPECIFICATION

Please replace the paragraph beginning on page 1, line 2, that was added by the preliminary amendment filed May 8, 2001, with the following rewritten paragraph:

-- Cross Reference to Related Applications

This application is a continuation of U.S. Serial No. 09/080,349, filed May 18, 1998, now U.S. Patent No. 6,328,964, which issued on December 11, 2001, and which is a continuation of U.S. Serial No. 08/481,735, filed June 7, 1995, and now U.S. Patent No. 5,833,987, which issued on November 10, 1998, both of which applications are further incorporated herein by reference in their entirety. --

IN THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Claim 1 (currently amended): A method for inhibiting or preventing T cell mediated ~~autoimmune response~~ tissue destruction associated with type I diabetes ~~comprising~~ consisting essentially of administering to a subject in need of such treatment a therapeutically or prophylactically effective amount of a gp39 antagonist selected from the group consisting of soluble CD40, CD40 fusion protein, and an anti-gp39 antibody or a fragment thereof that binds gp39;

wherein said tissue destruction associated with type I diabetes in the subject results from a cell-mediated immune reaction to a self-antigen.

Claims 2-3 (canceled)

Claim 4 (previously amended): The method of claim 1, wherein the gp39 antagonist is a fragment of an anti-gp39 antibody that binds gp39.

Claim 5 (previously amended): The method of claim 1, wherein the gp39 antagonist is an anti-gp39 antibody.